

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

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In re:	§
	§ Subchapter V
Scott Vincent Van Dyke	§
	§ Case No. 21-60052
Debtor.	§ <b>Christopher M. Lopez</b>

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**MOTION TO WITHDRAW SUBCHAPTER V PLAN**  
(No. 86)

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THIS MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY-ONE (21) DAYS FROM THE DATE THAT THIS MOTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED; IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**To the Honorable Christopher M. Lopez:**

Mr. Scott Vincent Van Dyke (hereinafter "Van Dyke" or "Debtor"), Debtor-in-Possession, by and through his counsel, who hereby files this motion (the "Motion") this Motion to Withdraw Subchapter V Plan. In support thereof, Mr. Van Dyke would show as follows:

**SECTION I**  
**JURISDICTION & VENUE**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. Section 157 and Section 1334. This Motion is a core proceeding pursuant to 28 U.S.C. Section 157(b). Venue is proper pursuant to 28 U.S.C. Section 1408 and 1409.

**SECTION II**  
**STATEMENT OF THE CASE**

2. Van Dyke filed a voluntary petition for relief on May 25, 2021 (the “Petition Date”) under Chapter 11 of Title 11, United States Code 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”) with a Subchapter V election. The Debtor’s case is pending before the United States Bankruptcy Court for the Southern District of Texas, Victoria Division.

3. Melissa Haselden was appointed Subchapter V Trustee.

4. The meeting of creditors was concluded on June 22, 2021.

5. Mr. Van Dyke filed his amended Subchapter V plan (the “Plan”) on December 11, 2021 which is currently set for confirmation on January 31, 2022. Several creditors of the estate, Michael Noel, Builder’s West, Inc., and Eva Engelhart, Chapter 7 Trustee for Anglo-Dutch Petroleum International, Inc., on behalf of creditors Littlemill Limited, Andrea Lore, Prosperity Settlement Funding, Inc. (collectively, the “Creditors”), filed objections to confirmation of the Plan on December 13, 2021.

6. On January 11, 2022, Mr. Van Dyke filed a Motion to Convert Case from Chapter 11 to Chapter (Dkt. No. 121) due to reorganizational challenges and his lack of income during the pendency of the case.

**SECTION III**  
**RELIEF REQUESTED**

7. As Mr. Van Dyke has filed a motion requesting the conversion of his case to Chapter 7 under the grounds that reorganization is not possible, Mr. Van Dyke requests the withdrawal of the Plan. Counsel for Mr. Van Dyke has been in contact with the Creditors and counsel for Eva Engelhart, on behalf of creditors Littlemill Limited, Andrea Lore, Prosperity Settlement Funding, Inc., and Anzar Settlement, and counsel for Michael Noel, do not oppose withdrawal of the Plan.

The undersigned counsel has contacted counsel for Builder's West, Inc. but has not received a response.

Wherefore, Scott Vincent Van Dyke, respectfully requests that this Court withdraw the Amended Subchapter V Plan filed on December 11, 2021 and for all other equitable relief to which he may be entitled.

Dated: January 13, 2022

**TRAN SINGH, LLP**

By: /s/Susan Tran Adams  
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**CERTIFICATE OF CONFERENCE**

On January 11, 2022, I contacted Fred Hagans on behalf of creditors Littlemill Limited, Andrea Lore, Prosperity Settlement Funding, Inc. and Anzar Settlement Funding Corp. and David Elder on behalf of creditor Michael Noel via electronic mail who are not opposed to the withdrawal of the Plan. I emailed Dale Mellencamp on behalf of Builder's West, Inc. on January 11, 2022 via email and have not received a response.

/s/Susan Tran Adams  
Susan Tran Adams

**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2022, the following parties on the attached Service List were served a true and correct copy of the foregoing via U.S. First Class Mail.

/s/Susan Tran Adams  
Susan Tran Adams